

THE COBEAGA LAW FIRM

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SAND CREEK PARTNERS, LTD.,
WILLIAM L. BERGMAN & LARRY
BORTLES

Plaintiffs

vs.

AMERICAN FEDERAL SAVINGS AND
LOAN ASSOCIATE OF COLORADO
RESOLUTION TRUST
CORPORATION RECEIVERS FOR
AMERICAN SAVINGS OF COLORADO

Defendants/Third Party Plaintiff

Case No.: 2:14-CV-00444-GMN-VCF

MOTION FOR LEAVE TO APPEAR TELEPHONICALLY

COMES NOW, J. MITCHELL COBEAGA, ESQ., and JOHN GEORGE, ESQ., of The Cobeaga Law Firm, and hereby move the above-entitled Court for an order allowing J. Mitchell Cobeaga, Esq. and Larry Bortles to appear telephonically at the hearing on the Renewed Motion to Compel Testimony and Production of Documents Pursuant to Judgment Debtor Examination Stipulation and Order (#12) and FRCP 37 (#39) and Motion to Withdraw as Counsel (#31) that is presently scheduled for 10:00 a.m. on April 14, 2015.

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1 This motion is made and based upon the pleadings and papers on file in the action, the
2 affidavit attached hereto, and any oral argument which may be presented at a hearing that the Court
3 may set.

4 DATED this 31 day of March, 2015.

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8 J. MITCHELL COBEAGA, ESQ.
9 Nevada Bar No. 0177
10 JOHN G. GEORGE, ESQ.
11 Nevada Bar No.: 12380
12 550 E. Charleston Blvd., Suite D
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14 Attorney for Plaintiffs

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I.**
17 **STATEMENT OF CASE**

18 Defendants' filed their Renewed Motion to Compel Testimony and Production of
19 Documents Pursuant to Judgment Debtor Examination Stipulation and Order (#12) on February 20,
20 2015. Counsel for Plaintiff, Larry Bortels, and Larry Bortles agreed prior to the filing of this
21 Motion, that it would be in the best interests of both Larry Bortles, The Cobeaga Law Firm, and
22 John George, Esq., to withdraw. Counsel filed its Motion to Withdraw as Attorney (#31) on March
23 12, 2015, and same was set for hearing at the same time as Defendants' Motion, on April 14, 2015,
24 at 10:00 a.m.

25 In between the end of February, 2015 and now, J. Mitchell Cobeaga, Esq., has had a down
26 turn in his physical health, was hospitalized for over a week, and since being discharged, has had
27 mobility issues.

28 Plaintiff, Larry Bortles, as advised in the Motion to Withdraw as Attorney (#31), has
relocated to Canada. Due to the fact that this hearing will be very brief and Mr. Bortles already has
pre-existing obligations in Canada, Mr. Bortles will have an extremely difficult time traveling back
and forth from Canada to Las Vegas.

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Staff for Mr. Cobeaga's office contacted Chambers, and Chambers advised to file this instant Motion.

Mr. Cobeaga and Mr. Bortles both request permission to appear telephonically at the April 14, 2015 hearing, and any such telephonic appearance will not prejudice any party hereto.

Accordingly, J. MITCHELL COBEAGA, ESQ., and Larry Bortles respectfully request to appear telephonically at the April 14, 2015 hearing.

DATED 3/ of March, 2015.

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J. MITCHELL COBEAGA, ESQ.
 Nevada Bar No. 0177
 JOHN G. GEORGE, ESQ.
 Nevada Bar No.: 12380
 550 E. Charleston Blvd., Suite D
 Las Vegas, NV 89104
 Attorney for Plaintiff

AFFIDAVIT OF J. MITCHELL COBEAGA, ESQ., IN SUPPORT OF MOTION FOR LEAVE TO APPEAR TELEPHONICALLY

STATE OF NEVADA)
)ss:
 COUNTY OF CLARK)

J. MITCHELL COBEAGA, ESQ., being first duly sworn, deposes, and states:

1. Affiant is still the attorney of record for Larry Bortles in the above matter, and have spoken to him regarding the pending hearing. Mr. Bortles presently resides in Alberta, Canada, and has advised Affiant that it would be a great hardship and a financial burden to travel to Las Vegas for what should be a rather brief proceeding. Affiant believes that there would be no difficulty in having Mr. Bortles available by telephone to answer any questions the Court or counsel might have;

2. Affiant has been plagued by a series of medical problems for the last several months, and was hospitalized from February 22, 2015 through March 2, 2015, with a series of serious infections and complications arising therefrom. Since leaving the hospital Affiant has had further episodes and is severely limited in his ability to ambulate, and is presently using a walker full time;

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3. As a result of the physical problems, which actually began in May, 2013, Affiant is cutting back dramatically on his practice, and is primarily taking on only mediations and arbitrations which can be performed in an office or conference room setting;

4. While Affiant absolutely loves the Lloyd George Court building, it is not user friendly for handicapped individuals having trouble walking. It is a real challenge to get from street level to the court room. If necessary, I can do it, but I would certainly prefer appearing by telephone;

5. Further, Affiant has been advised by Assly Sayyar, attorney for The Cadle Company, that she will not be opposing the Motion to Withdraw. Accordingly, my presence is not required on that issue;


6. Attorney John George has been associated in the representation of Mr. Bortles for several years and is primarily responsible for both legal issues which have arisen. Mr. George will be available at the time of the hearing and will be there to answer any questions Court or counsel might have; and

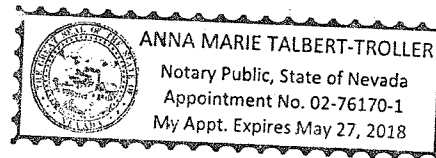
7. Accordingly, Affiant respectfully requests that both Mr. Bortles and Affiant be allowed to attend the pending hearing by telephone.

FURTHER AFFIANT SAYETH NAUGHT.


J. MITCHELL COBEAGA, ESQ.

SUBSCRIBED and SWORN to before
me this 31 day of March, 2015.

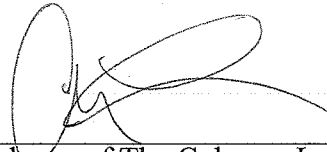

NOTARY PUBLIC in and for said County
and State.



CERTIFICATE OF SERVICE

I hereby certify that on this 31 day of March, 2015, I caused to be served a true and correct copy of the foregoing **MOTION FOR LEAVE TO APPEAR TELEPHONICALLY** by electronic service (via Case Management/Electronic Case Filing). Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

James R. Adams, Esq.
Assly Sayyar, Esq.
ADAMS LAW GROUP, LTD.
8010 w. Sahara Avenue, Suite 260
Las Vegas, Nevada 89117
Attorneys for Judgment/Creditor/
Successor in Interest The Cadle Company



An Employee of The Cobeaga Law Firm

IT IS HEREBY ORDERED that the motion for leave to appear telephonically (#33) is GRANTED.

The parties are instructed to call telephone number: (702) 868-4911, access code: 123456, five minutes prior to the hearing time. The court will join the call and convene the proceedings. The call must be made on a land line. The use of a cell phone or speaker phone during the proceedings is prohibited.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: April 2, 2015

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